

## **REMARKS**

All of pending claims 42-46 are amended. With this response, claims 42-46 remain pending.

Applicants do not believe that any fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/11899.0155.DVUS02.

### **I. Oath / Declaration**

The Examiner indicated that the oath or declaration is defective, and that a new oath or declaration identifying this application by application number and filing date is required. Applicants enclose a six (6) original signed Substitute Declarations, and respectfully request that these Declarations be entered.

### **II. Rejection under 35 U.S.C. § 112, second paragraph**

Claims 42-46 were rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite in claiming the subject matter of the invention.

1. The Examiner alleges that the limitations “at amino acid position 447” and “at amino acid position 481” in claims 42-46 are relative limitations which render the claims indefinite. Applicants have amended claims 42-46 essentially as suggested by the Examiner.

2. The Examiner found claim 44 to be indefinite as it is unclear if the claimed recombinant host cell has been transformed with a nucleic acid encoding a threonine deaminase protein, or if it inherently comprises the protein with the claimed properties. Applicants have amended this

claim essentially as suggested by the Examiner. The Examiner's suggested phrase "an isolated or recombinant nucleic acid" has been changed to "a recombinant nucleic acid", since the claims refer to host cells or plants, and, as such, the claimed nucleic acid is not an isolated one.

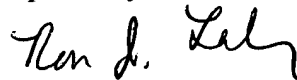
Applicants respectfully maintain that the rejections of claims 42-46 under 35 U.S.C. § 112, second paragraph have been overcome.

\* \* \* \* \*

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. All amendments are made in a good faith effort to advance the prosecution on the merits. Applicants respectfully submit that no amendments have been made to the pending claims for the purpose of overcoming any prior art rejections that would restrict the literal scope of the claims or equivalents thereof. Applicant reserves the right to subsequently take up prosecution of the claims originally filed in this application in continuation, continuation-in-part, and/or divisional applications.

The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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